Single Bench

-1-A- CF1002

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH

AT BILASPUR

W.P. (S) NO. 5327 / 2006

Petitioner : Pushpa Ekka
W/o Seraphinus
Aged about 42 years,
Occupation – Principal*
Government Girls Higher Secondary
School, Sarangarh, R/o
Dharamshala Gali, Sarangarh, Dist :
Raigarh-(C.G.)

F.R. No. 5364/06 Advocate Noel Kujur
Presented on dated 25/9/06

Versus

Respondents :

1. State of Chhattisgarh
Through The Secretary
School Education Department,
D.K.S. Bhawan Raipur-(C.G.)

2. The Upper Secretary,
School Education Department,
D.K.S. Bhawan, Raipur-(C.G.)

3. The Collector, Raigarh,
Dist : Raigarh-(C.G.)

4. The District Education Officer,
Raigarh, Dist : Raigarh-(C.G.)

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5327 of 2006

Petitioner: Pushpa Ekka

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri V. K. Pandey, Advocate for the petitioner.

Shri Ajay Dwivedi, Panel lawyer for the Respondents.

O R D E R

(4th October, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner, who was employed as Principal and was working at Girls Higher Secondary School Sarangarh, was transferred vide order dated 11.8.2006 (Annexure P/1) to Government Higher Secondary School, Saria, Raigarh. At this stage learned counsel for the petitioner confines his submission to a direction to the respondents/authorities for considering the representation of the petitioner, pending before the Secretary, School Education Department, Raipur.

2. I have heard learned counsel for the petitioner and perused the petition and annexures appended thereto. The impugned transfer order seems to be a routine transfer on administrative exigency. It is well established principle of law that the Court should refrain from interfering with the transfer order which is passed in public interest as well as administrative exigency. This Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order is passed

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contrary to the statutory rules, regulations, circular etc. It is not a case where any of the grounds, as stated above, has been alleged by the petitioner. Thus, there is no merit in the case.

3. In view of the foregoing, the petition is dismissed. However, in the facts and circumstances of the case, the respondent No.1 is directed to consider and decide the pending application dated 21.9.2006 (Annexure P/2) in accordance with law, on its own merits, preferably within a period of three weeks from the date of receipt/production of a copy of this order.

Sd/-
Satish K.Agnihotri
Judge

Thakur